

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID LEE REDMOND,

No. 2:18-cv-00319-JE

Petitioner,

ORDER

v.

BRIGITTE AMSBERRY,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation [32] on March 13, 2019, in which he recommends that the Court deny the Petition for Writ of Habeas Corpus [1], enter a judgment dismissing this case with prejudice, and decline to issue a Certificate of Appealability. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). However, for clarification, the Court notes that Petitioner used a crescent wrench to strike Livingston in the head, not the other way around. *See* Findings and Recommendation at 2; Respondent's Ex. 116 at 3. Similarly, police found Livingston, not Petitioner, with a "significant amount of blood coming from his head." *Id.*

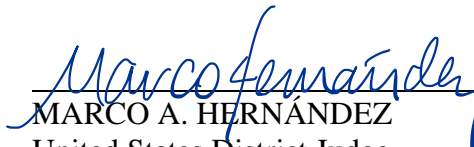
Having reviewed the legal principles *de novo*, the Court finds no error.

CONCLUSION

The Court adopts Magistrate Judge Jelderks's Findings and Recommendation [32]. The Petition for Writ of Habeas Corpus [1] is DENIED and this case is DISMISSED with prejudice. The Court declines to issue a Certificate of Appealability on the basis that Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 3 day of June, 2019.


MARCO A. HERNÁNDEZ
United States District Judge